

Applicants : James Kiefer and Robert N. Alt, Jr.
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Remarks:

The amendments and remarks presented herein are believed to be fully responsive to the Office Action mailed September 12, 2005.

Claims 1, 3-21, 23-29 and 32-40 are pending in the application. Claims 2, 22, 30 and 31 have been canceled without prejudice and new claims 39 and 40 have been added. Claims 1 and 23 have been amended herein. The amendments and new claims are fully supported in the specification and drawings as originally filed. No new matter has been added.

ALLOWED AND ALLOWABLE CLAIMS

Claims 13-21, 29 and 32-38 are allowed.

Claims 7 and 24 are objected to but indicated as being allowable if rewritten in independent form.

CLAIM REJECTIONS

Claims 1, 3-6, 8-12, 23 and 25-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wood, Jr. et al., U.S. Patent No. 5,611,114 ("Wood"), in view of Purcell et al., U.S. Patent No. 5,779,299 ("Purcell").

Applicants respectfully traverse the rejections for the reasons set forth below.

Independent claim 1 has been amended to clarify that each of the first and second portions of the intermediate member have a generally U-shaped cross section along substantially an entire length thereof and each of the first and second portions comprises opposite sidewalls

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and a center flange extending between the opposite sidewalls. The junction of the first and second portions has opposite sidewalls that pivotally attach to the body attachment plate. The sidewalls of the first portion engage the body attachment plate with the center flange of the first portion being spaced from the body attachment plate when the intermediate member is pivoted toward a first position where the first portion of the intermediate member is positioned generally along the body attachment plate.

Independent claim 23 has been amended to clarify that the stamped intermediate member comprises first and second leg portions extending from a junction of the first and second leg portions and extending at an angle to one another. Each of the first and second leg portions comprises a generally U-shaped cross section extending substantially an entire length thereof and each of the first and second leg portions has opposite sidewalls and a center flange extending between the opposite sidewalls. The junction of the first and second leg portions has opposite sidewalls and a center flange extending between the opposite sidewalls. The intermediate member is pivotally attached to the body attachment plate generally at the sidewalls of the junction of the first and second leg portions. The intermediate member is pivotable to a first position, where the first leg portion of the intermediate member is positioned generally along and at least partially engages the body attachment plate. The panel attachment plate is pivotally attached to the sidewalls of the intermediate member at or near an end portion of the second leg portion. The first leg portion is secured to the body attachment plate when the intermediate member is in the first position.

Applicants respectfully submit that Wood does not disclose, teach or suggest the hinge of the present invention, particularly as set forth in independent claims 1 and 23, and in the claims depending therefrom. With respect to the rejection of independent claim 1 and the claims depending therefrom, Applicants submit that Wood does not disclose, teach or suggest a hinge having a stamped intermediate member having first and second portions arranged at an angle relative to one another, with each of the first and second portions comprising a generally U-

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shaped cross section along substantially an entire length thereof and each of the first and second portions having opposite sidewalls and a center flange extending between the sidewalls. To the contrary, Wood discloses a hinge with an L-shaped, monolithic, formed metal support member, which is a solid L-shaped member that is manufactured by forging, extruding, casting, machining or powder metallurgical techniques.

The Office Action states that Purcell discloses an apparatus with a U-shaped cross section and, thus, it would have been obvious to one of ordinary skill in the art to form the intermediate part of Wood with a stamped, U-shaped cross section. Applicants respectfully traverse the position taken by the Examiner. The striker apparatus 121 of Purcell includes extension arms 133 and a bridging members 135, 137 (see Figure 11 and column 5, lines 5-28 of Purcell). Purcell does not disclose or suggest that any of the arms or members are formed with a U-shaped cross section having opposite sidewalls and a center flange. The arms and members of the striker apparatus of Purcell thus do not comprise first and second leg portions extending from a junction of the first and second leg portions and extending at an angle to one another, where each of the first and second leg portions comprises a generally U-shaped cross section extending substantially an entire length thereof. Moreover, the striker apparatus of Purcell is not attached to a body attachment plate by attaching the sidewalls of a U-shaped junction of two portions of the apparatus to the body attachment plate.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference or references when combined must teach or suggest all the claimed limitations. The teaching or suggestion to make the claim combination and reasonable expectation of success must both be found in the prior art and not based on Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). See MPEP § 2143.

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In the present case, Applicants submit that there would be no motivation to apply the teachings of the striker apparatus of Purcell to the hinge of Wood, and there is no suggestion in either reference to do so. Moreover, there is no reasonable expectation of success in making such a combination, since the Purcell arms and bridging members do not include opposite sidewalls for pivotally attaching the apparatus to a body attachment plate and a panel attachment plate. It is unclear to Applicants how the apparatus disclosed in Purcell, particularly the arms and bridging members, would pivotally attach to the hinge plates of Wood. Furthermore, Applicants submit that the rectangular shape of the Purcell arms and bridging members, even if it were pivotally attached to the hinge plates, would not function in the manner that the intermediate member of the claimed invention functions. Therefore, Applicants respectfully submit that the combination of Wood and Purcell is improper and does not establish a prima facie case of obviousness, and the combination does not disclose, teach, suggest or render obvious the hinge as claimed in independent claim 1. Reconsideration and withdrawal of the rejection of claims 1, 3-6 and 8-12 is respectfully requested.

With respect to the rejection of independent claim 23, Applicants submit that the combination of Wood and Purcell does not disclose, teach, suggest or render obvious the method for making an automobile hinge as claimed in claim 23 for at least all of the reasons set forth above with respect to the rejection of independent claim 1. Reconsideration and withdrawal of the rejection of claims 23 and 25-28 is respectfully requested.

Accordingly, Applicants respectfully submit that the combination of Wood and Purcell, either alone or in combination with any other prior art reference cited of record, does not disclose, teach, suggest nor render obvious the hinge and method of the present invention, particularly as set forth in independent claims 1 and 23, and in the claims depending therefrom. Reconsideration and withdrawal of the rejection of independent claims 1 and 23, and of the

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claims depending therefrom, is thus respectfully requested. Applicants further submit that new claims 39 and 40 are also in condition for allowance.

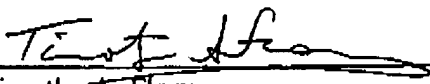
Claims 1, 3-21, 23-29 and 32-40 are pending in the application. It is respectfully submitted that claims 1-21, 23-29 and 32-40 are in condition for allowance, and issuance of a Notice of Allowance is earnestly and respectfully requested.

Respectfully submitted,

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